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5 UNITED STATES DISTRICT COURT
6 WESTERN DISTRICT OF WASHINGTON
7 AT TACOMA

8 GEORGE-JASON A. HELM,

9 Plaintiff,

10 v.

11 MICHAEL HUGHES, et al.,

12 Defendants.

No. C09-5381 RJB/KLS

**ORDER ADOPTING REPORT AND
RECOMMENDATION**

13 This matter comes before the Court on the Report and Recommendation of Magistrate
14 Judge Karen L. Strombom. Dkt. 24. The Court has reviewed the Report and Recommendation,
15 objections to the Report and Recommendation, if any, and the remaining record.

16 The Report and Recommendation analyzed the Defendants' Fed. R. Civ. P. 12 (c) Motion
17 to Dismiss with the standard used prior to the Supreme Court's holding in *Bell Atlantic Corp. v.*
18 *Twombly*, 550 U.S. 544, 555 (2007). Reviewed under the standard announced in *Bell Atlantic*
19 *Corp. v. Twombly*, 550 U.S. 544, 555 (2007), the Complaint contains "sufficient factual matter,
20 accepted as true, to 'state a claim to relief that is plausible on its face.'" *Ashcroft v. Iqbal*, 129
21 S.Ct. 1937, 1949 (2009)(citing *Twombly*, at 570). Accordingly the Report and Recommendation
22 (Dkt. 24) should be adopted.
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24 The Court does hereby find and **ORDER:**

- 25 1) The Court **ADOPTS** the Report and Recommendation (Dkt. 24).
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- 2) Defendants' Motion to Dismiss (Dkt. 15) is **GRANTED** to the extent that the Complaint alleges Plaintiff's due process rights were violated during the disciplinary hearing, and **DENIED** in all other respects.
- 3) The Clerk is directed to send copies of this Order to Plaintiff, counsel for Defendant and to the Hon. Karen L. Strombom.

DATED this 16th day of February, 2010.

Robert Bryan

ROBERT J. BRYAN
United States District Judge